

# SUMMARY MINUTES

Special Joint Meeting  
ABAG Executive Board and MTC Commission  
No. 386, May 17, 2012  
Oakland Marriott City Center  
1001 Broadway, Oakland, California

## 1. CALL TO ORDER AND ROLL CALL

Napa County Supervisor Mark Luce, President, ABAG Executive Board, and San Mateo County Supervisor Adrienne Tissier, Chair, Metropolitan Transportation Commission, called the special joint meeting to order at approximately 7:00 p.m.

President Luce announced that a quorum of the Executive Board was present.

### Representatives and Alternates Present

Supervisor Susan L. Adams  
Mayor Jack Batchelor  
Councilmember Desley Brooks  
Councilmember Jane Brunner  
Councilmember Dave Casas  
Supervisor Carmen Chu  
Councilmember Kansen Chu  
Supervisor Malia Cohen  
Supervisor David Cortese  
Mayor Pro Tem Pat Eklund  
Jason Elliott, Dir, Leg/Gov Affairs  
Mayor Jack Gingles  
Supervisor John Gioia  
Councilmember Pedro Gonzalez  
Councilmember Susan Gorin  
Mayor Mark Green  
Supervisor Scott Haggerty  
Councilmember Dave Hudson  
Councilmember Beverly Johnson  
Councilmember Rebecca Kaplan  
Supervisor Barbara Kondylis  
Councilmember Sam Liccardo  
Supervisor Mark Luce  
Supervisor Eric Mar  
Supervisor Karen Mitchoff  
Councilmember Julie Pierce  
Supervisor Dave Pine  
Councilmember Joe Pirzynski  
Supervisor David Rabbitt  
Councilmember A. Sepi Richardson  
Supervisor Mike Wasserman  
Malcolm Yeung, Office of the Mayor

### Jurisdiction

County of Marin  
City of Dixon  
City of Oakland  
City of Oakland  
City of Los Altos  
County of San Francisco  
City of San Jose  
County of San Francisco  
County of Santa Clara  
City of Novato  
City of San Francisco  
City of Calistoga  
County of Contra Costa  
City of South San Francisco  
City of Santa Rosa  
City of Union City  
County of Alameda  
City of San Ramon  
City of Alameda  
City of Oakland  
County of Solano  
City of San Jose  
County of Napa  
County of San Francisco  
County of Contra Costa  
City of Clayton  
County of San Mateo  
Town of Los Gatos  
County of Sonoma  
City of Brisbane  
County of Santa Clara  
City of San Francisco

### Representatives Absent

Supervisor Rose Jacobs Gibson  
Councilmember Ash Kalra  
Vice Chair Terry Young

### Jurisdiction

County of San Mateo  
City of San Jose  
RWQCB

Chair Tissier directed Rosy Leyva, MTC Commission Secretary, to conduct the roll call of the Commission; Leyva reported that a quorum of the Commission was present.

**2. COMPENSATION ANNOUNCEMENT**

Chair Tissier directed Leyva to make the compensation announcement.

**3. PLEDGE OF ALLEGIANCE**

President Luce and Chair Tissier led the ABAG Executive Board, MTC Commission, and the audience in the Pledge of Allegiance.

**4. PLAN BAY AREA**

**A. Combined Preferred Land Use Scenario and Transportation Investment Strategy**

Steve Heminger, MTC Executive Director, made introductory remarks about Plan Bay Area and efforts by both agencies to adopt a Sustainable Communities Strategy, including strengthening the connection between housing, jobs and transportation; growing the regional economy; building on the legacy of visionary leadership and investments; ensuring stewardship of scenic and natural resources; and reducing the region's impact on global climate change. He described how Plan Bay Area reinforces land use and transportation integration per SB 375, and integrates regional planning for land use, transportation, and housing. He noted the input received on Plan Bay Area and reviewed the Plan Bay Area schedule.

Kenneth Kirkey, ABAG Planning and Research Director, reported on the preferred land use scenario, called the Jobs-Housing Connection Strategy, including a review of the region's growth; feedback received on the jobs-housing connection scenario and staff responses; a review of household and employment growth; a review of historic regional growth patterns and future regional growth patterns; and a description of Priority Development Areas and place types. He described the policy framework, including the goals of creating jobs to maintain and sustain a prosperous and equitable society; increasing the amount, accessibility, affordability, and diversity of housing; creating a network of complete communities; and protecting the region's unique natural environment.

Doug Kimsey, MTC Planning Director, reported on the preferred transportation investment strategy, including a review of revenue forecasts and a summary of Plan Bay Area investment. He described the six strategies for addressing the Three Es (economy, equity, and environment): closing the greenhouse gas gap; Fix-It First; OneBayArea Grant framework; funding high performers; efficiencies from existing system; and a sustainable transit system.

Board and Commission members discussed, under the Recommended Climate Policy Initiatives, moving \$70 million from Smart Driving Strategy to PDA planning and implementation; the effect of increasing costs of Car Sharing; per capita CO2 emissions reductions and cost per GHG ton reduced under Climate Initiatives Innovative Grants; studying baseline transit service for the Bay Area;

Appendix A-6, PDA Investment Growth Strategy; and New Starts/Small Starts reserve.

Solano County Supervisor Jim Spering, MTC Commissioner, suggested changes to the staff recommendation regarding the New and Small Starts reserve. Board and Commission members discussed the staff recommendation and the suggested changes.

Board and Commission members discussed, under the Climate Policy Initiatives, the staff recommendation to Fund Vehicle Buy-Back and Purchase Incentives; selection process of alternatives to the preferred land use scenario to be evaluated under the EIR; competition for New and Small Starts funding.

Board and Commission members discussed, under strategies considered, the Regional Bicycle Sharing program; and funding for planning and implementation under Climate Initiatives Innovative Grants.

Public comments were heard from the following individuals: Manolo Gonzalez Estai, Transform, on greenhouse gas gap, BART-Metro project, and express lanes; Jeff Hobson, Transform, on investment in Fix It First, planning housing near transit, climate innovative grants, and prioritizing New and Small Starts; Clayton Smith on the energy shortage and energy crisis; Owen Murphy on pass through of state collected tax revenue to local municipalities; Mimi Steele on the visioning sessions and housing affordability; Glenn Gelineau on public input, visioning sessions and polling; Matt Grocott, Mayor, San Carlos, on citizen participation at public meetings; Sue Brandau on totalitarianism and the respect of individuals; Bea Phillips on regional government agencies dictating policies over land use, housing, and transportation; Janet Macarona on unelected positions on quasi-dictatorial board, the visioning sessions, and the Orinda Transit Center; Debra Tavares on the Iron Mountain report ; Orlan Quehle on central planning, totalitarian regimes and Portland; Linda Best, Contra Costa Council, on support for AB 32 and SB 375 goals, having the final scenario be realistic, achievable and promote global competitiveness, jobs and housing concentration in urban core, decentralized nodes of job growth, Bay Area Business Coalition recommendation to conduct economic and feasibility assessment as part of EIR process; Robert Allen on a five-county rapid transit including BART around the Bay; John Wilson on local government, central planning government, and single family homes.

Sheryl Wilson spoke on anti-regionalism; Louis Tavares on federal, state and county deficits; Barbie Baretta on utopian master plans; Stephanie Reyes on housing affordability and housing choices; Matt Van Der Slice on green house gas reduction and walk-able and healthy region; Lena Gammer on Redwood City and walk-able neighborhoods; Nancy Schafer on support of preferred alternative; Robert Piper on senior communities; Cerle Whitney on density and single family housing, environment and existing sustainable communities, population growth, and carbon emissions; Pauli Amering on senior communities, accessible and available transportation; Bill Pinkham, East Bay Bicycle Coalition, on the importance of Plan Bay Area, mass transit, accommodating bicycles, and safety pedestrian safety; Heather Gass on unelected regionalism, communism,

social engineering, and the Brown Act; Pam Farley on bureaucracy and house-sharing; Greg McConnell, Jobs and Housing Coalition, on making PDAs feasible and accomplishable, local level entitlements and impediments and incentives; Sean Acle on republican government and freedom, regional governance formation, and PDAs; Pamela on the Harvard study, Portland, and property rights; Marlane Hofakur on unelected boards, scientific evidence and improving the environment, economy, and equity; Carl Anthony, Breakthrough Communities, on social inequality and racial integration; Paloma Pawel, Breakthrough Communities, on the importance of environment, equity and job scenarios.

Parisa Fatahi Weeks spoke on civil rights, environment, health, and jobs; Warren Cushman on affordable housing and bus service; Amy Fishman on affordable housing, sustainability and equity; Davila Irwin on displacement and affordable housing; Frank Gallo, Ditching Diesel Collaborative, on existing health impacts from freight movement; Earl Kotine on stewardship; Elezear Mendoza on bus transportation system; Brenda Baron on transportation issues, bus and BART investments; Pamela Tapia on affordable housing, transit oriented development, gentrification and displacement; Tanica Olguin on gentrification of neighborhoods and public meetings; Woody Little on economic segregation; Malcolm Defrense on affordable housing and low income families; Ben Lemond on greenhouse gas emissions and commuting; Christina McGee on investment without displacement and affordable housing; Jill Ratner on affordable housing and reliable transportation; Ozebucke Aqaba on public health, meeting public participation, infrastructure and walk-able communities; Carl Levy on metropolitan development, effects of urban renewal and displacement; Nathaniel Arnold on displacement, affordable housing, and bus transportation; Catherine Lyons, Bay Area Council, on infill and transit oriented development and regulatory environment; Ann Durham on republican form of government and rule of law; James Bennett on social engineered polarity and the U.S. Constitution; Laura Stout, improving public health; David Pepper on biking and walking benefits and community health.

Paul Inieto, Building Industry Association, spoke on PDA market feasibility and alternative scenario; Marlene Melander on regional government; Pat Ferguson on race, gender, youth and seniors, and education; Charles Cagnen on regional planning process and regulation; Paul Nedo on economics; Susanne Tringale on voter approval of Plan; Joel Bernhardt on mass transit villages; Pam Drew on Department of Finance numbers; Fred Volking on Agenda 21, Socialism, Communism, and global warming; William Smith on multi-family housing, affordable housing and economic development; Andy Katz on regional planning and clean air, livable communities, protecting climate, express lanes, and equity issues; Carrie Knecht on affordable housing and transit; Pat Schwinn on Fix It First and affordable and transit friendly housing; unidentified speaker on public input and meeting participation, demographics, infill development, and global warming.

The following individuals submitted speaker cards but were not present when their names were called: Pat Ferguson, Vincent Macarona, Lee Lawrence,

Myesha Williams, Emily Radler, Bea Phillips, Paul Campos, Chelsea Worms, Audie Bock.

MTC Executive Director Heminger spoke about the New Starts funding. Ashley Crocker, CEQA Counsel, described the EIR process for the project and alternatives. Ken Kirkey spoke on the EIR schedule.

Board and Commission members discussed including distribution of affordable housing among alternatives considered in the EIR process; the ABAG Executive Board and MTC Commission selection of alternatives to include in the EIR process; operations and maintenance under the Plan Bay Area investments; and Climate Initiatives Innovative Grants.

President Luce recognized a motion by Supervisor Spering, which was seconded, to accept the staff report on the transportation investment strategy as amended by changing the word "received" to "appropriated."

President Luce recognized a substitute motion by San Francisco Supervisor Scott Weiner, MTC Commissioner, and seconded by San Jose Councilmember Sam Liccardo, MTC Commissioner, to accept the staff report on the transportation investment strategy, in addition to the change proposed in the original motion, the following text: "If no projects from the East Bay or North Bay emerge that meet FTA criteria, then other New/Small starts projects may be supported regardless of geography." MTC Commissioners spoke on the substitute motion.

Staff was directed to include the equity, environment and employment scenario among the alternatives to be considered by the ABAG Executive Board and MTC Commission.

By a roll call vote of the MTC Commission on the substitute motion, the aye votes were four (4), and the nay votes were ten (10). The substitute motion failed.

By a roll call vote of the MTC Commission on the original motion, the aye votes were fourteen (14), the nay votes were none. The original motion passed.

President Luce recognized a motion by Contra Costa County Supervisor John Gioia, ABAG Executive Board Representative, and seconded by Alameda County Supervisor Scott Haggerty, ABAG Executive Board Representative, to approve the transportation investment strategy as amended by changing the word "received" to "appropriated." By a vote of the ABAG Executive Board, the aye votes were unanimous. The motion passed.

President Luce recognized a motion by Supervisor Haggerty, MTC Commissioner and ABAG Executive Board Member, and seconded by Union City Mayor Mark Green, MTC Commissioner and ABAG Immediate Past President, to move \$70 million of funds from Smart Driving Strategy to PDA planning and implementation, including health issues, and which will be administered by ABAG and MTC. Board and Commission members and staff spoke on the motion. By a roll call vote of the ABAG Executive Board, the aye votes were twenty-seven (27), and the nay

votes were five (5); the motion passed. By a roll call vote of the MTC Commission, the motion passed.

President Luce recognized a motion for the MTC Commission by Supervisor Haggerty, and seconded by Orinda Councilmember Amy Worth, MTC Commission Vice Chair, and a motion for the ABAG Executive Board by Green, and seconded by Solano County Supervisor Barbara Kondylis, ABAG Executive Board Representative, to approve the release of the preferred land use scenario and the transportation investment strategy, as modified. Staff was directed to consider a baseline study of transit services in the Bay Area. By a vote of the ABAG Executive Board, the aye votes were unanimous; the motion passed. By a vote of the MTC Commission, the aye votes were unanimous; the motion passed.

President Luce recessed the special joint meeting for a ten minute break at approximately 10:30 p.m.

Chair Tissier reconvened the special joint meeting at approximately 10:40 p.m.

**B. One Bay Area Grant Program**

MTC Executive Director Heminger made introductory remarks about MTC Resolution No. 4035 which adopts the project selection policies and programming for the Federal Cycle 2/One Bay Area Grant Program which was considered at a special combined meeting of the MTC Planning Committee and the ABAG Administrative Committee on May 11<sup>th</sup>.

Supervisor Spering, MTC Planning Committee Chair, gave a report on the One Bay Area Grant Program/MTC Resolution No. 4035. The resolution was forwarded to the MTC Commission for approval by unanimous vote of the MTC Planning Committee with changes as noted in the staff report.

MTC Chair Tissier recognized a motion by Supervisor Spering, which was seconded by Rohnert Park Mayor Jake Mackenzie, MTC Commissioner, to accept the committee report as amended by adding at the beginning of Appendix A-6: PDA Investment and Growth Strategy the following: "MTC shall consult with the CMAs and amend the scope of activities identified below as necessary to minimize administrative work load and to avoid duplication of effort. This consultation may result in specific work elements shifting to MTC and/or ABAG. Such changes will be formalized through a future amendment to this appendix."

Public comments were heard from the following individuals: Marty Martinez spoke on Safe Routes to Schools funding and Complete Streets requirement; Jill Ratner on affordable housing funds for cities that produce affordable housing; Parisa Fatehi Weeks on PDA growth strategies and displacement and affordable housing concerns; Sam Tepperman Gelfant on jurisdictions that produce affordable housing near transit and create healthy communities; Jim Bitter on the source of money for grants; David Grabill on grants for affordable housing near transit and range of affordability near transit.

The following individuals submitted speaker cards but were not present when their names were called: Clayton Smith, Mimi Steele, Glen Gelineau, Matt Grocott, Sue Brandau, Bea Phillips, Pat Ferguson, Orlean Kuehle, Debra Torres, Mia Yoshitane, John Wilson, Sheryl Wilson, Luis Tavaras, Amy Fishman, Heather Gass, Glen Gelineau, Marlane Hofecker, James Bennett, David Pepper, Susan Tringale, Ralph Fernandez, Audie Bock, Robert Allen.

Supervisor Sperring spoke on the MTC Planning Committee recommendations regarding One Bay Area Grant Program/MTC Resolution No. 4035 and the motion to accept the committee report as amended with the addition at the beginning of Appendix A-6: PDA Investment and Growth Strategy.

Commission members discussed monitoring development of work force and low income housing and developing guidelines for the next OBAG funding cycle.

By a vote of the MTC Commission, the aye votes were unanimous. The motion passed.

**C. Approve Release of Draft Regional Housing Need Allocation (RHNA) Methodology and Sub-regional Housing Shares**

Miriam Chion, ABAG Assistant Planning and Research Director, reported on the Regional Housing Need Allocation, including feedback received and staff responses; a Sustainable Communities Strategy growth forecast overview; the RHNA methodology process; coordination of regional efforts; the proposed methodology as related to focused growth, fair share, and housing diversity and affordability; the Regional Housing Need Determination as determined by the State Housing and Community Development; and the staff recommendation to release the draft RHNA methodology and sub-regional housing shares for public comment.

Board members discussed a RHNA performance credit and the methodology model weighting factors; equitable distribution of affordable housing given that no guaranteed funding is available to jurisdictions with disproportionate share of affordable housing; the 40 percent household growth formation minimum.

Chion commented on the housing allocation for Oakland, the 40 percent household growth formation minimum, and the availability of RHNA documents.

President Luce recognized a motion by Clayton Councilmember Julie Pierce, ABAG Executive Board Vice President, and seconded by San Ramon Councilmember Dave Hudson, ABAG Executive Board Representative, to approve the release of the draft Regional Housing Needs Allocation methodology and the sub-regional housing shares.

Supervisor Haggerty asked staff to continue working with the City of Dublin staff on its housing and jobs numbers.

San Francisco County Supervisor Eric Mar, ABAG Executive Board Alternate, proposed that every jurisdiction with median income above the Bay Area

average should take on at least as much of the region's lower income housing need as it did in the 2007-2014 planning period. This would mean shifting some lower income units from lower income cities to more affluent cities in exchange for higher income units. The total RHNA number for each jurisdiction would remain the same.

Public comments were heard from the following individuals: David Grabill spoke on Napa County and affordable housing; Evelyn Stivers on final RHNA adjustments, Dublin and Pleasanton; Parisa Fatahi Weeks on the motion on the allocating lower income housing between jurisdictions; Sam Tepperman Gelfant on motion Mar, readjusting income allocations and equitable affordable housing allocation; Jerry Grace on Section 8 housing.

The following individuals submitted speaker cards but were not present when their names were called: Nico Calavita, Joel Devalcourt, Chris Shilt, Clayton Smith, Mimi Steele, Glen Gelineau, Matt Grocott, Sue Brandan, Bea Phillips, Pat Ferguson, Debra Tavares, Orlean Kuehle, John Wilson, Sherry Wilson, Luis Tavaras, Amy Fishman, Heather Gass, Marlane Hofecker, James Bennett, Ralph Fernandez, Susanne Tringale, Pamela, Audie Bock, William Smith, Andy Katz.

San Jose Councilmember Sam Liccardo, ABAG Executive Board Representative commented on housing allocations and jobs.

Ken Klrkey spoke on the proposed methodology regarding focused growth, fair share and housing diversity and affordability.

President Luce recognized a substitute motion by Supervisor Mar, and seconded by Oakland Councilmember Rebecca Kaplan, ABAG Executive Board Representative, to include in the draft RHNA methodology that every jurisdiction with median income above the Bay Area average should take on at least as much of the region's lower income housing need as it did in the 2007-2014 planning period. This would mean shifting some lower income units from lower income cities to more affluent cities in exchange for higher income units. The total RHNA number for each jurisdiction would remain the same.

Board members discussed the distribution of low and non-low income housing need in the current cycle.

By a vote of the ABAG Executive Board on the substitute motion, the aye votes were four (4), and the nay votes were twenty-one (21); the motion failed.

Board members discussed having staff respond to the concerns raised around the draft RHNA methodology before returning for final adoption, including the RHNA performance after the 40 percent.

By a vote of the ABAG Executive Board on the original motion, the original motion passed by consensus, with two nay votes.

Mayor Green commented on construction costs by building type.



**5. PUBLIC COMMENT**

There was no public comment.

**6. MTC COMMISSION ADJOURNMENT**

Chair Tissier adjourned the meeting of the MTC Commission at approximately 10:55 p.m.

**7. ABAG CONSENT CALENDAR**

President Luce recognized a motion by Contra Costa County Supervisor John Gioia, ABAG Executive Board Representative, and seconded by Calistoga Mayor Jack Gingles, ABAG Executive Board Representative, to approve the ABAG Executive Board Consent Calendar. The motion passed by consensus, with Novato Mayor Pro Tem Pat Eklund, ABAG Executive Board Representative, abstaining from voting on Items related to the U.S. Environmental Protection Agency.

**A. Approval of Executive Board Summary Minutes\*\***

Approved Summary Minutes of Meeting No. 385 held on March 15, 2012.

**B. Grant Applications**

A list of grant applications was approved for submission to the State Clearinghouse, having been circulated in ABAG's "Intergovernmental Review Newsletter" since the last Executive Board meeting.

**C. Adoption of Resolution No. 07-12 and authorization to submit grant application and enter into contract with the Metropolitan Transportation Commission (MTC) for Bridge Toll Funds to support the San Francisco Bay Trail Project\*\***

Authorized submission of a grant application and enter into contract with MTC to fund the Bay Trail Project. Executive Board adoption of Resolution No. 07-12 is requested.

**D. Authorization to Renew Agreement with Michael J. Arnold and Associates, Legislative Advocate\*\***

Authorized renewal of the agreement with Michael J. Arnold and Associates in an amount not to exceed \$60,000 to provide legislative advocacy on behalf of ABAG in Sacramento.

**E. Approval of Resolution No. 08-12 Expressing Interest and Concern That the health of the San Francisco Bay Delta System be adequately Considered as part of Water Supply Planning Processes Underway for Delta facilities, Delta Area Planning, State Water Resource Control Board Plans, and in Other Important Bay-Delta Planning Programs\*\***

Adopted Resolution No. 08-12.

**F. Authorize Payment of a *Per Diem* for Meetings of the Newly Created Co-Location Subcommittee of the Administrative Committee Retroactive to May 9, 2012**

Authorized payment of *per diem* for meetings of the Co-location Subcommittee.

**G. Authorization to Amend Contract with the California Department of Boating and Waterways (DBW)\*\***

Authorized the Executive Director or designee to amend the DBW/ABAG contract by increasing the not to exceed amount to \$2,721,101, an increase of \$184,000, and approve the resolution.

**8. ABAG ANNOUNCEMENTS**

There were no announcements.

**9. LEGISLATION & GOVERNMENTAL ORGANIZATION COMMITTEE REPORT\*\***

Committee Chair Julie Pierce, ABAG Executive Board Vice President and Councilmember, City of Clayton, reported on Committee activities and asked Board approval of Committee recommendations, including approval of minutes of January 19; consideration of legislation: SB 1149 (DeSaulnier), Bay Area Regional Commission, oppose and withdraw; SB 1366 (DeSaulnier), Firearms: Lost or Stolen—Reports, support with amendments; SB 1151 (Steinberg), Sustainable Economic Development and Housing Trust Fund: Long-range Asset Management Plan, support; SB 1156 (Steinberg), Community Development and Housing Joint Powers Authority, support; AB 1627 (Dickinson), Energy: Vehicle Miles Traveled, oppose; AB 2231 (Fuentes), Sidewalks: Repairs, oppose; AB 1951 (Atkins), Housing Bonds, support; AB 2447 (Skinner and Perez), California Neighborhood Revitalization Partnership Act of 2012, watch; AB 1672 (Torres), Housing-Related Parks Program, support; SB 986 (Dutton), Redevelopment: Bond Proceeds, support; AB 1555 (Norby), Redevelopment: Debt Forgiveness Agreements, watch; SB 1335 (Pavley), Redevelopment: Brownfield Sited, support; and recommend re-instating funding and support for American Communities Survey and the Census Program.

President Luce recognized a motion by Committee Chair Pierce and seconded by Solano County Supervisor Barbara Kondylis, ABAG Executive Board Representative, to accept the committee report. The motion passed by consensus, with Green not in opposition to SB 1149.

**10. FINANCE & PERSONNEL COMMITTEE REPORT\*\***

Committee Vice Chair Sepi Richardson, ABAG Executive Board Representative and Councilmember, City of Brisbane, reported on Committee activities and asked Board approval of Committee recommendations, including approval of minutes of March 15; a report on financial reports for February 2012 and March 2012; an update on ABAG membership; and noted a closed session on anticipated litigation.

President Luce recognized a motion by Committee Vice Chair Richardson, and seconded by Mayor Gingles, to accept the committee report. The motion passed unanimously.

Public comments were heard from Jerry Grace who spoke on the special meeting of the ABAG Executive Board and the MTC Commission.

**11. CLOSED SESSION**

There was no closed session.

**12. ABAG EXECUTIVE BOARD ADJOURNMENT**

President Luce adjourned the meeting of the ABAG Executive Board at approximately 11:40 p.m.

Ezra Rapport, Secretary-Treasurer

*\*\* Indicates attachments.*

*\*\*\* For information on the L&GO Committee, contact Patricia Jones at (510) 464 7933 or PatJ@abag.ca.gov, or Kathleen Cha at (510) 464 7922 or KathleenC@abag.ca.gov.*

*All ABAG Executive Board meetings are recorded. To arrange for review of these tapes, please contact Fred Castro, Clerk of the Board, at (510) 464-7913 or FredC@abag.ca.gov.*

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## MEMO

**Submitted by:** Judy Kelly  
Director, San Francisco Estuary Partnership

**Subject:** Authorization to Submit a Full Proposal and Accept a Grant from the U.S. EPA Bay Water Quality Improvement Fund to Advance Climate Change Resiliency through Ecologically Beneficial Flood Channel Design and Management

**Date:** July 17, 2012

### Executive Summary

SFEP/ABAG was selected as a finalist to receive funding from the 2012 San Francisco Bay Water Quality Improvement Fund and has been requested U.S. EPA to submit a full proposal application for the project, "*Flood Control 2.0: Rebuilding Habitat and Shoreline Resilience through a New Generation of Flood Control Design and Management*" to develop and implement a set of innovative approaches to flood control management along the San Francisco Bay shoreline. A broad local-regional partnership leverages flood control agency resources to significantly improve the amount, quality, and long-term resilience of Bay Area tidal wetlands, beaches and mud flats, and major creeks. The project will facilitate the efforts of local flood control agencies to solve a suite of expensive and time-consuming technical, financial, and regulatory challenges related to excessive in-channel sedimentation. The four-year project addresses two complementary approaches to transform sediment problems into resources: channel redesign where sufficient land use flexibility exists, and sediment reuse for highly constrained channels. Three demonstration projects will represent different parts of the Bay, providing an ideal suite of case studies to inform a regional approach.

Partners include: San Francisco Estuary Institute, San Francisco Bay Conservation and Development Commission, San Francisco Bay Joint Venture, San Francisco Creek Joint Powers Authority, Committee for Green Foothills, Marin County Flood Control and Water Conservation District, and Contra Costa County Flood Control and Water Conservation District.

The total project cost is \$3,122,000. The total amount of federal funding expected under this grant is \$1,577,000. Match funds of approximately 50% of the project total will be provided by the partners. The expected award date is August, 2012.

### Recommended Action

The Board is requested to authorize approval of submittal of a Full Proposal to U.S. EPA and for the Executive Director or designee to sign an agreement with U.S. EPA to accept a grant for the *Flood Control 2.0* project. The project assists with implementation of the CCMP for the San Francisco Estuary.

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## MEMO

**TO: ABAG EXECUTIVE BOARD**

**FROM: Judy Kelly, Director, San Francisco Estuary Partnership**

**DATE: July 6, 2012**

**RE: Request for Authorization to Enter into an Interagency Agreement with  
The County of Marin, the Marin County Flood Control and Water Conservation  
District and the Sonoma-Marín Area Rail Transit District to Provide Technical  
Support for Permit Processing**

### **Executive Summary**

Approval is requested for a new Interagency Agreement to fund a full time ABAG staff member to assist with processing applications for 401 Water Quality Certifications, Waste Discharge Requirements, programmatic maintenance, and Industrial Stormwater permits, and other County administered water quality protection activities under the County's National Pollutant Discharge Elimination System Stormwater permit and waivers and other RWQCB authorizations required for projects and activities in the jurisdiction of the funding agencies cited above.

The agreement is estimated to cost \$ 325,013 and the agreement period is for two years. No ABAG match is required. The project will assist with implementation of the Comprehensive Conservation and Management Plan for the San Francisco Estuary.

### **Recommended Action**

Authorization is requested for the Executive Director or designee to enter into an interagency agreement with The County of Marin, the Marin County Flood Control and Water Conservation District and the Sonoma-Marín Area Rail Transit District to provide technical resources to the San Francisco Bay Regional Water Quality Control Board (RWQCB).

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## MEMO

**Submitted by:** Judy Kelly  
Director, San Francisco Estuary Partnership

**Subject:** Authorization to Contract with Wilsey-Ham, Inc for San Pablo Avenue Green Stormwater Spine Project Design Services

**Date:** July 19, 2012

### Executive Summary

The San Francisco Estuary Partnership (SFEP) wishes to contract with Wilsey-Ham, Inc., as the prime consultant for land surveying, civil engineering, and landscape design services for the San Pablo Avenue Green Stormwater Spine project. The Wilsey-Ham team includes Nevue Ngan Associates, specializing in green infrastructure; and Quadriga Landscape Architecture, Inc., specializing in landscape design. The team was selected using a competitive procurement process.

The Request for Qualifications process began on March 26, 2012 with an RFQ invitation posted on the ABAG website. 32 firms attended a mandatory pre-submittal conference on April 3, 2012. The invitation to submit Statements of Qualifications closed on April 27, 2012. SFEP received 13 submittals, which were pre-screened and ranked by staff. The top five submittals were evaluated and scored by a Review Committee comprised of SFEP, Water Board, and Emeryville and El Cerrito city staff. The Review Committee interviewed the top two scoring teams on June 12, 2012. The Wilsey-Ham team consistently scored the highest at each phase of selection process due to its extensive green infrastructure design experience in the public right-of-way, approach to project management, and ability to articulate a holistic vision of the project.

This Stormwater Spine project will create a series of demonstration green stormwater treatment facilities in the public right-of-way along San Pablo Avenue in seven of the cities within Alameda and Contra Costa Counties. The project assists in the implementation of the Comprehensive Conservation Management Plan for the San Francisco Estuary, while contributing to greener infill development and more sustainable, livable communities.

### Recommended Action

Authorization is requested for the Executive Director or designee to enter into a contract on behalf of ABAG/SFEP with Wilsey-Ham for design services. The contract amount will not exceed \$255,000 for a term from August 1, 2012 through March 30, 2014. \$215,000 for design and engineering services for the Stormwater Spine project is available in the ABAG agreement with the U.S. Environmental Protection Agency from its San Francisco Bay Water Quality Improvement Fund. \$40,000 for the design team to assist in the bid process for construction and to provide support services during and post construction is available from the ABAG agreement with the California Department of Water Resources for Regional Green Infrastructure.

### Next Steps

Upon authorization, SFEP and ABAG Legal Counsel will draft a contract for execution by the Executive Director or his designee.

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## MEMO

**Submitted by:** Judy Kelly  
Director, San Francisco Estuary Partnership

**Subject:** Authorization to Submit Urban Greening Grant Application, Accept Grant Award, Negotiate, and Enter into Contract Agreement with State of California Strategic Growth Council.

**Date:** July 19, 2012

### Executive Summary

The San Francisco Estuary Partnership (SFEP) has applied for and received notification of award for a Proposition 84-funded grant from the Urban Greening for Sustainable Communities Program of the State of California's Strategic Growth Council. The guidelines of the Urban Greening Project grant program require a resolution by the applicant's governing body to apply, which did not occur at the time of submittal. The Urban Greening Project grant will fund the design and implementation of a green stormwater treatment retrofit project on San Pablo Avenue in the City of El Cerrito. This project builds on the successful El Cerrito Green Streets rain gardens pilot project that was completed in the summer of 2010 and will be an additional site for the current San Pablo Avenue Green Stormwater Spine project managed by SFEP.

This Stormwater Spine project will create a series of demonstration green stormwater treatment facilities in the public right-of-way along San Pablo Avenue in seven of the cities within Alameda and Contra Costa Counties. The project assists in the implementation of the Comprehensive Conservation Management Plan for the San Francisco Estuary, while contributing to greener infill development and more sustainable, livable communities.

### Recommended Action

Adopt Resolution 10-12 approving the grant application, and authorizing the Executive Director, or his designee to accept the Grant Award and to negotiate and enter into agreements necessary to carry out the project with the State of California on behalf of ABAG/SFEP. The contract amount will not exceed \$717,692 for a term from August 1, 2012 through July 30, 2015.

### Next Steps

Upon authorization, ABAG will enter into a grant agreement with the State of California on behalf of SFEP and SFEP will implement the project.

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**ASSOCIATION OF BAY AREA GOVERNMENTS  
EXECUTIVE BOARD**

**RESOLUTION NO. 10-12**

**RESOLUTION OF THE EXECUTIVE BOARD OF THE ASSOCIATION OF BAY AREA  
GOVERNMENTS APPROVING THE APPLICATION, ACCEPTING GRANT AWARD,  
AND NEGOTIATING AND ENTERING INTO A GRANT AGREEMENT WITH THE  
STATE OF CALIFORNIA FOR GRANT FUNDS FOR THE URBAN GREENING  
GRANT PROGRAM UNDER THE SAFE DRINKING WATER, WATER QUALITY AND  
SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF  
2006 (PROPOSITION 84)**

**WHEREAS**, the Legislature and Governor of the State of California have provided funds for the program shown above; and

**WHEREAS**, the Strategic Growth Council has been delegated the responsibility for the administration of this grant program, establishing necessary procedures; and

**WHEREAS**, said procedures established by the Strategic Growth Council require a resolution certifying the approval of application by the applicant's governing board; and

**WHEREAS**, the applicant, has been selected, accepts the award and will enter into an agreement with the State of California to carry out the Project; and

**WHEREAS**, the San Francisco Estuary Partnership, as a program of the Association of Bay Area Governments, will manage the project under the direction of its Executive Director.

**NOW, THEREFORE, BE IT RESOLVED**, that the Executive Board of the Association of Bay Area Governments hereby:

1. Approves the filing of an application for the San Pablo Avenue Green Stormwater Spine project (El Cerrito 3); and
2. Certifies that applicant understands the assurances and certifications in the application; and
3. Certifies that applicant or title holder will have sufficient funds to operate and maintain the project consistent with the land tenure requirements; or will secure the resources to do so; and
4. Certifies that it will comply with the provisions of Section 1771.8 of the State Labor Code regarding payment of prevailing wages on Projects awarded Proposition 84 funds; and
5. If applicable, certifies that the project will comply with any laws and

**ASSOCIATION OF BAY AREA GOVERNMENTS  
RESOLUTION NO. 10-12**

- regulations including, but not limited to, legal requirements for building codes, health and safety codes, disabled access laws, environmental laws and, that prior to commencement of construction, all applicable permits will have been obtained; and
6. Certifies that applicant will work towards the Governor's State Planning Priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety as included in Government Code Section 65041.1; and
  7. Appoints the Executive Director, or designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project.

The foregoing adopted by the Executive Board this 19<sup>th</sup> day of July, 2012.

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Mark Luce  
President

**Certification of Executive Board Approval**

I, the undersigned, the appointed and qualified Secretary-Treasurer of the Association of Bay Area Governments (Association), do hereby certify that the foregoing resolution was adopted by the Executive Board of the Association at a duly called meeting held on the 19<sup>th</sup> day of July, 2012.

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Ezra Rapport  
Secretary-Treasurer

**Approved as To Legal Form**

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Kenneth K. Moy  
Legal Counsel

# ASSOCIATION OF BAY AREA GOVERNMENTS

Celebrating 50 Years of Service to the Region



To: Finance & Personnel Committee (F&P) and  
Executive Board via F&P  
Fr: Kenneth K. Moy  
Dt: July 6, 2012  
Re: Joining *Amicus Curiae* Brief in *Cole v Town of Los Gatos*

**Summary and Requested Action:** A recent appellate court decision in a case covered by the ABAG PLAN Program has the potential to significantly increase defense costs and liability exposure for all public entities. The Town of Los Gatos (Town) requests that ABAG join an *amicus curiae* brief if the California Supreme Court decides to an appeal. The ABAG staff that serves the program and I concur. There will be no costs to ABAG. Request authorization to join *amicus curiae* brief.

**Background and Analysis:** ABAG operates a self funded municipal liability pool (ABAG PLAN Program) on behalf of the thirty (30) cities that are members of ABAG and participate in the program, including the Town. In 2007, the Town tendered and ABAG accepted a claim brought by Cole based on the alleged 'dangerous condition' of a portion of Blossom Hill Road that is in the Town. However, the direct cause of the injury to Cole was a drunk driver who struck Coleman as she was loading or unloading a bicycle from the back of her SUV which was parked off Blossom Hill Road. Cole does not state how the alleged 'dangerous condition' caused the drunk driver to injure Cole. Relying on precedent, a motion for summary judgment based on Cole's failure to make the causal linkage was filed. The motion was granted by the trial court but was overturned on appeal.

The appellate court held that Cole does not need to articulate a causal connection between the alleged 'dangerous condition' and the actions of the drunk driver who directly caused the injury.<sup>1</sup> This decision increases litigation costs and liability exposure for all public entities. For this reason, the ABAG PLAN Program is negatively impacted by the decision.

The Cole decision is also in conflict with precedent in other California appellate districts. This conflict makes the decision ripe for review by the California Supreme Court and an appeal has been filed. If the Supreme Court decides to hear the appeal, the office of the County Counsel for San Diego County is prepared to draft an *amicus curiae* brief. The League of California Cities (LCC) and the California State Association of Counties (CSAC) have already decided to join the County of San Diego on the *amicus curiae* brief. The Town has requested that ABAG join in the *amicus curiae* brief. The ABAG staff that serves the program and I concur and proposes that we do so citing our role in the ABAG PLAN Program.

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<sup>1</sup> In order to align its decision with precedent, the appellate court also held that a causal connection between the alleged 'dangerous condition' and the third party that is the direct cause of the injury if that third party was engaged in 'violent conduct'.

Representing City and County Governments of the San Francisco Bay Area

Mailing Address: P.O. Box 2050 Oakland, California 94604-2050 (510) 464-7900 Fax: (510) 464-7985 info@abag.ca.gov  
Location: Joseph P. Bort MetroCenter 101 Eighth Street Oakland, California \* 94607-4756

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# MEMORANDUM

## ASSOCIATION OF BAY AREA GOVERNMENTS

*Representing City and County Governments of the San Francisco Bay Area*

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DT: July 6, 2012

TO: ABAG Executive Board

FM: Gerald Lahr, Energy Programs Manager

RE: Bay Area Regional Energy Network

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**Action:** Adopt a resolution ratifying the submittal of a proposal to the California Public Utilities Commission (CPUC) for the creation of a San Francisco Bay Area Regional Energy Network (Bay REN).

**Background.** Over the years ABAG has been very involved in a variety of energy-related programs. These have included:

- ABAG POWER. Aggregated purchasing of electricity and natural gas for local government facilities.
- ABAG Energy Watch. Technical assistance to local governments to increase the efficiency of their facilities.
- Energy Benchmarking. Assistance benchmarking energy use in municipal facilities.
- GHG Emissions Inventories. Assistance to local governments in the completing local government operations (LGO) and community-wide GHG emissions inventories.
- Electric Vehicle (EV) Programs.
  - EV Planning – *Ready, Set, Charge California!*
  - EV Corridor – EV charger installations in publically accessible locations.
- Retrofit Bay Area (Energy Upgrade California). An \$11 million ARRA-funded program in collaboration with eight Bay Area counties. The program provided marketing and outreach, workforce development, and homeowner incentives to increase energy efficiency retrofits in the residential sector.

In addition, ABAG has been a participant in the Local Government Sustainable Energy Coalition (LGSEC)<sup>1</sup> which has advocated to the CPUC that local governments be given more responsibility and authority over public funds set aside for energy efficiency programs. (Traditionally these funds have been administered by investor owned utilities such as Pacific Gas & Electric Company (PG&E).) As part of this effort, in February the LGSEC submitted a motion to the CPUC requesting that Regional Energy Networks (RENs) comprised of local government entities be given access to public funding to implement energy efficiency programs for their constituents. In early May the CPUC formally approved a decision covering energy efficiency programs for the 2013-14 period, and included in this decision an order that allows

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<sup>1</sup> The LGSEC is a statewide membership organization of cities, counties, special districts, councils of government, and non-profit organizations that support government entities. A list of members can be found at [www.lgsec.org](http://www.lgsec.org).

# MEMORANDUM

## ASSOCIATION OF BAY AREA GOVERNMENTS

*Representing City and County Governments of the San Francisco Bay Area*

---

local governments to submit proposals to the CPUC for regional energy pilots during this program cycle.<sup>2</sup>

As a result of this CPUC decision, ABAG convened a steering committee of local government agency staff representing the nine Bay Area counties<sup>3</sup>, as follows:

- Alameda County Waste Management Authority (StopWaste.Org)
- City and County of San Francisco
- City of Suisun City (Representing Solano County)
- County of Contra Costa
- County of Marin
- County of Napa
- County of San Mateo
- County of Santa Clara
- Sonoma County Regional Climate Protection Authority

This group agreed to submit a collaborative proposal for a Bay Area REN with ABAG as the lead agency. The proposal is now going through the final preparation process and will be submitted on the due date. It is expected that the total 2-year program budget will be approximately \$44,000,000, and the main program elements will include:

- Energy Efficiency Retrofits for Single Family Residential
- Energy Efficiency Retrofits for Multi-family Residential
- Promotion of Energy Efficiency Codes and Standards
- Financing Programs that Promote Energy Efficiency Projects

The draft resolution was discussed at ABAG's Regional Planning Committee meeting in June. The Committee ultimately approved a recommendation for approval of the resolution, although the Committee also expressed some concerns due to the lack of detailed program information at the time. With the near completion of the proposal the attached summary is provided to give additional details on the program elements.

**Recommendation.** ABAG requests that the ABAG Executive Committee approve a resolution ratifying submittal of the REN proposal.

Attachment: (A) Proposal Summary  
(B) Proposed Resolution

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<sup>2</sup> CPUC Decision 12-05-015. Proposals were initially due on July 2, 2012, although this deadline was ultimately extended to July 16<sup>th</sup>.

<sup>3</sup> ABAG is also coordinating with two other regions in the state that are planning to submit REN proposals.

# MEMORANDUM

## ASSOCIATION OF BAY AREA GOVERNMENTS

*Representing City and County Governments of the San Francisco Bay Area*

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cc: Pat Jones, Acting Executive Director

## Attachment A

### **San Francisco Bay Area Regional Energy Network (BayREN)**

#### **Background**

To meet the aggressive goals set by the California Public Utilities Commission (Commission) as part of the Long Term Energy Efficiency Strategic Plan, the Commission recognized the need to collaborate with local governments to achieve market transformation toward energy efficiency. In addition, in the Decision on 2013–2014 Energy Efficiency Portfolios, the Commission recognized the role of Regional Energy Networks (RENs) in achieving the following goals:

- Provide missing technical resources that will get more projects implemented
- Include more public agencies in project implementation
- Leverage existing local government partnerships to implement these resources
- Provide centralized, regional program management and administration by local governments

Additionally, it is the opinion of the BayREN that local governments can play key roles in the market penetration of energy efficiency programs through the following activities:

- Identifying market barriers;
- Increasing the cost-effectiveness of market transformation programs (such as Energy Upgrade California) in the long-term by identifying and testing pilots that address those market barriers;
- Partnering with utilities for program implementation, especially including outreach and education activities.

The proposed BayREN subprograms are designed to address key cost, process, workforce, and other market barriers that adversely affected the market penetration of the Energy Upgrade California Programs in 2010-2012. These activities include:

- Enhance the investor owned utilities' (IOUs') Energy Upgrade California Single-Family Program through marketing efforts, incentives, alternative upgrade packages, increased homeowner decision-making support, and options for greater saturation across socio-economic consumer bases
- Enhance IOU-offered single-measure and whole-building upgrade programs for multi-family properties through targeted outreach and technical support to multi-family property owners, offering new incentives to support deeper multi-measure upgrades, and provide technical assistance to address the split-incentive divide that currently exists between property owners and renters.
- Leverage local governments' unique position to influence adoption and enforcement of local codes and standards to ensure upgrades comply with existing energy efficiency codes, as well as providing "reach codes" to increase energy savings
- Standardize training and enhance enforcement skills for intra- and inter-government agency personnel

- Provide regional implementation of a statewide financing program to ensure that upgrades are financially accessible to more homeowners.

The partners in the BayREN are well positioned to deliver on these subprograms. Through the management of American Recovery and Reinvestment Act (ARRA) programs, including Energy Efficiency Block Grant (EECBG) and State Energy Program (SEP) grants, the BayREN partners have already taken the initial steps to effectively develop and deliver energy efficiency programs to support the Commission's long-term strategic goals through a San Francisco Bay Area REN. These steps include:

- Developed and refined the governance structure to manage a regional energy program;
- Gained experience managing a variety of energy efficiency incentive programs and pilots;
- Established models for successful programs, including program delivery, participant recruitment, contractor development, training, and mentoring, and customer marketing and leads generation program elements;
- Developed robust partnerships with Investor Owned Utilities (IOUs), State agencies, key local and regional stakeholders such as workforce and real estate organizations;
- Developed solid relationships with local building professionals and trade associations;
- Identified market barriers associated with whole-house energy efficiency upgrades.

The BayREN will build upon this initial groundwork to effectively deliver all subprogram elements in the 2013-2014 period.

## **Description of subprogram elements**

### **Single-Family Upgrade Subprogram**

The BayREN Single-Family subprogram will increase the number of customers performing energy efficiency upgrades and will attract moderate income customers. The subprogram will boost the number of multi-measure upgrades by lowering costs and overcoming technological and education barriers for participants, as well as by reducing costs for participating contractors through streamlined program design and implementation.

Key subprogram elements include the addition of an alternative upgrade package incentive, enhanced marketing efforts, development of targeted assessment incentives, streamlined enrollment and reporting systems, integration of improvements related to the water-energy nexus, and the implementation of energy advisors to support homeowners through the Energy Upgrade process.

#### **Subprogram Elements:**

- Incentives to homeowners for energy efficiency assessments/audits
- Incentives to homeowners for retrofits (Flex Path)
- Technical assistance to homeowners related to energy efficiency retrofits (Energy Advisor)
- Contractor Training

- Marketing and outreach for energy efficiency programs (Energy Upgrade California)

### **Multi-Family Subprogram**

The BayREN Multi-Family Subprogram will conduct targeted outreach to multifamily property owners to promote participation. First, property owners will enroll in a technical assistance Program designed to lower barriers to multi-measure upgrades by providing technical and financing assistance. The technical assistance will cover a multiple-benefit approach, including opportunities for water efficiency and indoor air quality improvements during upgrades. Projects with larger scopes of work will be referred to the utility whole-building program rebates. The Bundled Measures Incentive program will serve as a complement to a whole-building utility rebate program and will reduce cost barriers for multi-family property owners who wish to conduct energy efficiency upgrades. The program will also conduct workforce development for specific multifamily building trades, such as HVAC.

#### **Subprogram Elements:**

- Customized energy efficiency technical assistance to property owners
- Incentives to property owners for energy efficiency projects
- Targeted outreach to property owners
- Workforce development/Contractor Training

### **Codes and Standards Subprogram**

The BayREN Codes and Standards Subprogram consists of three components: enforcement of existing codes, training, and sharing best practices for reach codes. The enforcement effort will focus on establishing a baseline for current code compliance within each county in the Bay Area, creating metrics for ongoing measurement and identifying mechanisms for improving upon the current levels of compliance. Simultaneously, the program will enhance the enforcement of existing codes through training for local government personnel and building professionals. The menu of training opportunities will be targeted to specific functional areas and be made more accessible to building departments than prior utility offerings. BayREN intends to work closely with key industry associations, such as CalBO in delivering these trainings and creating forums for local government staff to share and align their enforcement activities. BayREN will also establish a regional forum for leveraging and disseminating the work of leading Bay Area jurisdictions in adopting innovative new policies, such as energy labeling and disclosure and other reach codes.

#### **Subprogram Elements:**

- Compliance baseline and tracking
- Code enforcement education and training
- Policy support and advocacy

### **Financing Subprogram**

The BayREN Energy Efficiency Financing Portfolio (the Financing Portfolio) will provide a variety of financing options to serve diverse consumer markets (residential and non-residential)

across the 9-County BayREN region. Through a multi-option financing menu, and tiered systems that scale loan and credit enhancements to energy performance, the BayREN Financing Portfolio will address gaps that emerged as key impediments to broader uptake and deeper efficiencies during the ARRA-funded Energy Upgrade California Program (the Initial EUC Cycle).

Subprogram Elements:

- Loan Loss Reserve - single family residential
- Energy Efficiency Loan Pilot – multi-family residential
- Property Assessed Clean Energy (PACE) – Commercial
- On-Water-Bill financing of water/energy measures

**Total Anticipated Program Budget:       \$ 44,000,000**

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**ASSOCIATION OF BAY AREA GOVERNMENTS  
EXECUTIVE BOARD**

**RESOLUTION NO. 14-12**

**AUTHORIZING THE CREATION OF A REGIONAL ENERGY NETWORK IN  
COLLABORATION WITH THE CITIES AND COUNTIES OF THE SAN FRANCISCO  
BAY AREA AND RATIFYING SUBMITTAL OF PROPOSAL TO  
CALIFORNIA PUBLIC UTILITIES COMMISSION**

**WHEREAS**, the Association of Bay Area Governments (ABAG) is the regional planning agency for the nine counties and 101 cities and towns of the San Francisco Bay region; and

**WHEREAS**, ABAG is committed to leading the region through its planning and service programs to address regional economic, social and environmental challenges; and

**WHEREAS**, ABAG has an on-going commitment to environmental sustainability, and for many years been involved in energy management and energy efficiency issues; and

**WHEREAS**, ABAG recently completed a collaborative effort with eight counties under the State's Energy Upgrade California program to promote energy upgrades in Bay Area homes; and

**WHEREAS**, ABAG and its member agencies now play a key role in energy issues via legislative mandates such as AB32 and SB375; and

**WHEREAS**, local governments have the ability to integrate resources across many sectors (e.g., energy, water, transportation, waste management, land use) for greater long term benefit; and

**WHEREAS**, ABAG is a member of the Local Government Sustainable Energy Coalition (LGSEC), a statewide membership organization of cities, counties and other local government organizations that seeks to shape regulatory policy and utility programs to bring more sustainable energy to California communities cost-effectively; and

**WHEREAS**, the LGSEC has advocated that the California Public Utilities Commission (CPUC) establish local government regional energy networks in four regions of the state including Northern California; and

**WHEREAS**, A regional energy network would provide regional program management and administration with a mission to: (1) provide missing technical resources, (2) include more public agencies in project implementation, (3) promote greater market saturation and energy savings through uniformly accessible and responsive programs on a regional basis; and (4) leverage existing local government

**ASSOCIATION OF BAY AREA GOVERNMENTS  
RESOLUTION NO. 14-12**

partnerships to complement these resources; and

**WHEREAS**, the CPUC recently approved a decision (D.12-05-015) that allows local governments to submit proposals for regional energy efficiency pilots.

**NOW, THEREFORE, BE IT RESOLVED**, that the Executive Board of the Association of Bay Area Governments hereby:

1. finds that creating a San Francisco Bay Area Regional Energy Network (BayREN) of the nine Bay Area counties is desirable to harness the collective power of the local governments to achieve integrated energy solutions, drive greater energy savings and create jobs; and
2. supports the LGSEC proposal for Regional Energy Networks within the State, as submitted to the California Public Utilities Commission (CPUC); and
3. ratifies ABAG staff submittal of a proposal that seeks funding to support the administration and goals of the BayREN as stated in CPUC Decision 12-05-015.

The foregoing adopted by the Executive Board this 19<sup>th</sup> day of July, 2012.

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Mark Luce  
President

**Certification of Executive Board Approval**

I, the undersigned, the appointed and qualified Secretary-Treasurer of the Association of Bay Area Governments (Association), do hereby certify that the foregoing resolution was adopted by the Executive Board of the Association at a duly called meeting held on the 19<sup>th</sup> day of July, 2012.

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Ezra Rapport  
Secretary-Treasurer

**Approved as To Legal Form**

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Kenneth K. Moy  
Legal Counsel